

Remarks

The Office Action mailed July 18, 2003 has been carefully considered. Claims 40, 44 and 45 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson (U.S. 5,785,274) in view of Eberle (U.S. 5,215,211). Independent Claim 40 has been amended to correct minor technicalities and to include both the subject matter of dependent Claim 44, which has been cancelled without prejudice, and an additional structural limitation. As such, Claims 40 and 45 remain in the case with none of the claims being allowed.

Independent Claim 40 has been amended to more particularly define the Applicant's present invention over the cited references. Specifically, Claim 40 has been amended to recite that the outlet of the tapered exit funnel has a first longitudinal axis offset from vertical and the centralized opening has a second axis, wherein the first longitudinal axis of the outlet of the tapered exit funnel and the second axis of the centralized opening intersect to form an acute angle away from the second axis of the centralized opening and towards the user.

As discussed in the Specification (see e.g. page 6, lines 1-7)

“In order to better direct the towels toward a user as they exit from the dispenser nozzle 10 through the opening 67, the mouth 71 of the funnel 69 may incline or bias at an angle away from the central axis of the opening 67 and towards the user. In the preferred embodiment, the mouth 71 forms an angle of about 30 degrees as shown in Figure 4. This arrangement has been found to further aid in proper and repeatable dispensing of the towel when compared with a conventional, unangled nozzle.”

Thus, this arrangement further aid in proper and repeatable dispensing of the towel when compared with a conventional, unangled nozzle and, at the same time, eliminates the need for a

guide bar 58 as described in Eberle. Such an improvement is not suggested by Johnson or Eberle. In fact, Eberle teaches that "more than one guide bar may be arranged within container 6 as appropriate to allow placement of dispenser on, for example, a side wall or top of container." Column 6, line 28 of Eberle. To just take the nozzle of Eberle and put it with Johnson without also putting the Eberle guide bar, would destroy the intended function of Eberle which teaches that both the nozzle and guide bar are needed to work together. Thus, it is respectfully submitted that Applicant's improved exit funnel is patentable over Johnson and Eberle.

The Applicant submits that by this amendment, he has placed the case in condition for immediate allowance and such action is respectfully requested. However, if any issue remains unresolved, Applicant's attorney would welcome the opportunity for a telephone interview to expedite allowance and issue.

Respectfully submitted,



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